CLASSIFICATION OFFICE DECISION

Title of publication: Sky TV: Brazzers 17 Dec 2015 09:00-15:00

Other known title(s): Not stated

OFLC ref: 1500929.000

Medium: DVD

Distributor: Sky Television

Director: Not stated

Producer: Not stated

Country of origin: Not stated

Language: English, Italian

Applicant: Secretary for Internal Affairs

Classification:	The excised version of this publication is classified as Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years. The unexcised version of this publication is classified as Objectionable.

Excisions: Recommended and made

Descriptive note: Contains explicit sex scenes.

Display conditions: None

Date of entry in Register: 02 May 2016

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: No notice of decision has been issued

Unexcised version of publication:

	Components	Running time
Feature(s):	Sky TV: Brazzers 17 Dec 2015 09:00-15:00	358:36
Total running time:		358:36

Reasons for excisions:

The publication comprises a block of sexually explicit material recorded from Sky Television's adult channels, submitted on DVD for classification purposes. Three excisions were required to remove degrading, dehumanising, and demeaning sexual content which would otherwise cause the publication to be classified as objectionable.

Excised version of publication:

	Components	Running time
Feature(s):	Sky TV: Brazzers 17 Dec 2015 09:00-15:00	353:08
Total running time:		353:08

Summary of reasons for decision:

The publication is one of a batch of four publications submitted for classification by the Department of Internal Affairs' Censorship Compliance Unit on behalf of the Secretary for Internal Affairs, under s13(1)(b) of the Films, Videos, and Publications Classification Act 1993. It comprises a block of material recorded from Sky Television's adult channels, submitted on DVD for classification purposes. The recorded material consists of numerous scenes and clips of explicitly depicted sexual activity intended for the sexual arousal of adult viewers.

The Classification Office recommended that three excisions be made to remove degrading, dehumanising, and demeaning sexual content which would otherwise cause the publication to be classified as objectionable.

The publication's depictions of sexual activity between adults are very formulaic overall. The structure of most scenes tends to reflect somewhat sexist attitudes held about male and female sexual roles. The most problematic content appears within two scenes in particular. This content normalises aggressive sexual behaviour targeted at and endured by women, and emphasises male sexual gratification and female passivity and servility. Along with borderline content presented within the wider compilation of sexually explicit material, this content is likely to cause injury to the public good by affecting even adult viewers' sexual expectations, attitudes and behaviours.

The Classification Office determined that if this strongest material were removed, through three short excisions, the publication would be classified as objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years, because of its potential to have a harmful effect on the development of children and young persons' sexual behaviour and attitudes.
The right to freedom of expression as affirmed by the New Zealand Bill of Rights Act 1990 is always a consideration when classifying any publication. Where the availability of a publication is likely to be injurious to the public good, a restriction on its availability, including when necessary a classification of objectionable, is a reasonable limitation on this right. With the inclusion of the most highly degrading, dehumanising and demeaning sexual conduct, a classification of objectionable is a reasonable and justifiable limitation on the right to freedom of expression, when weighing up the risk of injury. With it removed, a restriction on the availability of the material to adults is a sufficient and proportionate response to the risk of injury to the public good.

Sky Television have agreed to these excisions, confirming that should they decide to rebroadcast this content in the future, the excisions will be made prior to any broadcast.